



DECISION NOTICE
For the Proposed Land Acquisition:
Deer Creek Addition (T17N, R16W Section 24) to the
Marshall Creek Wildlife Management Area

Montana Fish, Wildlife & Parks
Region 2
3201 Spurgin Road, Missoula MT 59804
406-542-5500
July 2012

DESCRIPTION OF PROPOSED ACTION

Montana Fish, Wildlife and Parks (FWP) purchased the 24,200-acre Marshall Creek Wildlife Management Area (MCWMA) northwest of Seeley Lake from The Nature Conservancy in July, 2011. This property was a centerpiece of the landmark Montana Legacy Project through which over 310,000 acres of industrial forestland was permanently conserved for fish, wildlife and public access. FWP identified the MCWMA property as one of its highest conservation priorities because the area supports regionally critical fish and wildlife habitat, serves as a corridor connecting landscapes of protected land, and is highly valued by the recreating public.

FWP partnered with a diverse group of private, state, and federal organizations to raise the funds necessary to purchase the MCWMA. The Clearwater River tributaries within the MCWMA (West Fork Clearwater, Marshall Creek, and Deer Creek) support one of the most important adfluvial bull trout populations in the region as well as genetically pure populations of native westslope cutthroat trout. FWP had hoped to completely protect, and begin restoring, these three watersheds through purchase of the WMA. Conserving the entire property was an even higher priority because it contains the most productive, previously unprotected, Canada lynx habitat in the western US, was important to grizzly bears, provided exceptional hunting opportunity, and included habitat for >30 other state and federally listed Species of Concern.

Following FWP's purchase of the MCWMA, nearly all of these three Clearwater River tributaries' main stems are owned and managed by public agencies. However, one of the remaining critical reaches of Deer Creek--a 1.3-mile riparian corridor within T17N, R16W, Sec. 2--was unavailable for purchase through the Montana Legacy Project. Protecting this final section is one of FWP's highest fisheries conservation priorities because it would prevent development and degradation of this critical stream reach, allow restoration efforts on and off the parcel to succeed, and further leverage fisheries conservation investments elsewhere in the Deer Creek watershed.

The 640-acre "Deer Creek" parcel ("subject parcel," Sec. 24) lies in the core of deer/elk Hunting District 285, which annually supports >15,000 elk hunter-days (the most of any Blackfoot hunting district) and >20,000 deer-hunter days (high, even by statewide standards). Hunters also pursue black bear, lion, moose, wolf, and upland game birds on the property. The WMA's watersheds, including Deer Creek, support popular stream and lake fisheries that cumulatively provide thousands of angler-days per year.

The Deer Creek parcel is part of one of the most heavily used snowmobile trail systems in the country (SnoWest Magazine 2000) and is used throughout the year for hiking, camping, horseback riding, and other outdoor public recreation.

This subject parcel is owned and was being actively marketed by Plum Creek Timber Company (PCTC). FWP and PCTC, in cooperation with Five Valleys Land Trust (FVLT) and the US Fish and Wildlife Service (USFWS), have developed a conservation strategy that would integrate this parcel into the adjacent MCWMA by fall of 2012. The parcel would be purchased and held by FVLT during the summer of 2012; FWP would then purchase the parcel from FVLT at appraised value and add it to the existing MCWMA in the fall of 2012. Funding for the purchase (\$1,280,000) would come from in-hand grants from the USFWS Habitat Conservation Plan Land Acquisition Program, Montana Fish and Wildlife Conservation Trust, Milltown Bull Trout Habitat Enhancement Fund, and the Vital Ground Foundation. FWP is seeking additional funding from the Missoula County Open Space Bond grant program.

This project would permanently protect one of the last remaining privately-held reaches of Deer Creek, consolidate public ownership in a key area for fish and wildlife conservation, and secure additional public access to the MCWMA.

OBJECTIVES OF THE PROPOSED ACTION

- To fulfill the intent of the Montana Legacy Project and FWP Marshall Creek Wildlife Management Area acquisition by conserving an important portion of the Deer Creek riparian corridor--adfluvial bull trout spawning and genetically-pure westslope cutthroat trout habitat.
- To allow FWP the opportunity to successfully restore and maintain fisheries habitat on and adjacent to the subject parcel in Deer Creek.
- To improve the water quality and habitat effectiveness of Deer Creek, which drains directly into Seeley Lake (the town of Seeley Lake's municipal water source).
- To permanently conserve critical Canada lynx, grizzly bear, and other sensitive species' habitat.
- To augment a crucial, and widely recognized, wildlife movement corridor linking the Bob Marshall and Mission Mountains wilderness complexes.
- To permanently provide the recreating public year-round access to a large, scenic, and wildlife-rich parcel near Seeley Lake, popular roads, and trailheads.
- To provide the public the opportunity to hunt, fish, and otherwise recreate on and adjacent to the subject parcel.
- To preserve and enhance public access to FWP's MCWMA and adjacent Lolo National Forest lands.

ALTERNATIVES CONSIDERED TO THE PROPOSED ACTION

No Action: FWP would not purchase the Deer Creek (Sec. 24) addition to the Marshall Creek WMA

Under the No Action Alternative, FWP would not acquire the 640-acre addition to the MCWMA. The property would remain on the open market. In-hand granted non-FWP funds would be reverted to their respective sources.

PUBLIC REVIEW PROCESS

Montana Fish, Wildlife & Parks is required by the Montana Environmental Policy Act (MEPA) to assess potential impacts of its proposed actions to the human and physical environments, evaluate those impacts through an interdisciplinary approach, including public input, and make a decision based on this information. FWP released a draft environmental assessment (EA; “Deer Creek Addition to the Marshall Creek Wildlife Management Area”) for public review of this proposal on June 1, 2012 and accepted public comment until 5:00 P.M. on July 2, 2012.

Legal notices of the Deer Creek Addition to the Marshall Creek WMA proposal and Draft EA availability were published in the following newspapers (date/s): *Independent Record* (Helena; June 1, 8), *Missoulian* (June 1, 8), and *Seeley Swan Pathfinder* (May 31). FWP issued a statewide news release regarding this proposal, and posted it on FWP’s web site (<http://fwp.mt.gov/>, “News”), beginning June 4, 2012.

FWP mailed 43 copies of the EA and 31 postcard notifications of the EA’s availability, plus emailed approximately 22 notifications, to adjacent landowners and interested individuals, groups and (non-FWP) agencies. The EA was available for public review and comment on FWP’s web site (<http://fwp.mt.gov/>, “Public Notices”) beginning June 1 through July 2, 2012.

A public hearing to explain the project, answer questions and take public comment was held on June 18 (7:00 p.m. in Seeley Lake at the Seeley Lake Community Center).

SUMMARY OF PUBLIC COMMENTS

Written Comments

FWP received 9 written or emailed comments (Appendix A), representing 6 people (3 from Seeley Lake, 2 from Missoula, 1 unknown) and 4 groups (Clearwater Resource Council, Five Valleys Audubon Society, Montana Chapter of Backcountry Hunters and Anglers, and The Nature Conservancy). Eight of the 9 comments specifically supported the acquisition, stating reasons such as: Resource (fish, wildlife, habitat, Seeley Lake water supply) protection; securing the parcel for public use (hunting, fishing, recreation); and protection against development (subdivision). One comment (representing 2 people) did not support nor oppose the acquisition, but stated, “[we] currently use this area for recreation both winter and summer” and “wish to insure that this area remains open to motorized vehicles.”

Public Hearing

Seven of the 8 people attending the public hearing¹ offered testimony (Appendix A), and all 7 were in support of the acquisition. The public testimony included 5 people from Seeley Lake and 2 organizations (Clearwater Resource Council, Five Valleys Land Trust); one of these people and one organization had also offered earlier written comments.

Summary

Combining the written comments and public testimony received, 13 comments supported the acquisition and 1 comment neither supported nor opposed the acquisition. Comments represented 10 individuals²

¹ Held June 18, 2012 at 7 p.m. at the Seeley Lake Community Center; attended by 8 members of the public, 3 FWP employees, and 1 FWP volunteer.

² One person submitted written comment and testified at the public hearing, and 1 of the written comments represented 2 people.

and 5 organizations. No concerns were raised that would bring the environmental analysis into question, and the draft EA is therefore accepted as final.

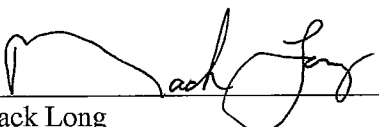
DECISION

Based upon the Draft Environmental Assessment and the applicable laws, regulations, and policies, I have determined that the proposed action will not have negative effects on the human and physical environments associated with this project. Therefore, I conclude that the EA is the appropriate level of analysis and the preparation of an Environmental Impact Statement is unnecessary.

This decision has benefited from extensive public review of the proposal and their informed comments.

Commenters nearly unanimously support FWP acquisition of the subject property and its management as part of the Marshall Creek WMA, as proposed. They reaffirmed their interest in conserving the critical fish, wildlife, and recreational resources of this area for present and future generations. The public has concurred that FWP is the agency to conserve and perpetuate these natural and recreation resources in the public interest.

In consideration of these facts and with this Decision Notice, I adopt the Draft EA as final. I recommend to the Fish, Wildlife and Parks Commission that it approve the proposed purchase of this 640-acre parcel within the Deer Creek watershed and its addition to the Marshall Creek WMA.



Mack Long
Region 2 Supervisor
Montana Fish, Wildlife & Parks

Date 7/5/12

APPENDIX A. All comments received on proposed Deer Creek Addition to Marshall Creek WMA received by FWP. Comments received via: E = email; M = mail; PM = public meeting testimony. (If someone submitted comments more than once, the ID# for this person's successive comments are numbered as #a, #b, #c, etc.)

Com- men- ter #	Via	Para- graph	Comment
1	E		As residents of Seeley Lake who currently use this area for recreation both winter and summer, we would like to affirm that we wish to insure that this area remains open to motorized vehicles. It would be nice if the road around Marshall Lake leading up to Mount Henry would be open in the summer to provide a "loop" connection to other roads that are open.
2	E		I support the Deer Creek addition proposal. This will secure the property for public use and for fish and wildlife habitat. Please ensure that fish and wildlife needs take precedence over any facility development.
3	E		I support the purchase of any property with the money I spend on hunting and fishing licenses. The Deer Creek Addition to the Marshall Creek WMA is an excellent use of money. I assume hunting and fishing is allowed on this property. I personally can't afford to buy this kind of land but thanks to my license fees I can be a part of it.
4	E		This will be a important addition to the Marshal creek WMA. The more of these we can pick up, the better. Any time we can pick up wild life habitat for the future and keep it out of the hands of developers.
5	E		See pg A-3 (Backcountry Hunters & Anglers, Montana Chapter)
6a	E		See pg A-4 (Clearwater Resource Council)
6b	PM		We believe this public acquisition is the best use of this parcel.
7a	E		See pg A-5
7b	PM		I'm a fisheries ecologist and I commend the acquisition work going on here. FWP has done a remarkable job. Thank you.
8	E		TNC supports the acquisition of an additional 640 acres to add to the Marshall Creek Wildlife Management Area. This parcel contains a critical reach of Deer Creek that supports native fisheries and feeds Seeley Lake, the water supply for the town of Seeley Lake. The Marshall Creek WMA was acquired in July 2011 by MT FWP from TNC. That acquisition garnered widespread support from a broad variety of community, conservation and recreation interests. We hope that FWP, along with its partners in this project, are successful in continuing the progress toward securing this important land for conservation and public benefit.
9	M		See pg A-7 (Five Valleys Audubon Society)
10	PM	1	Assuming what we've heard is correct (i.e., not closing down any wheeled-motorized or snowmobile use), then I'm 100% in favor.
		2	Probably no one is against taking this parcel off the subdivision market. You could canvas Seeley Lake and most would say "no" to a tax, but all would say "yes" to this proposal.
		3	I'd have bought the property—but for lack of the money!
		4	[This and the following 3 paragraphs' comments were basically made by commenter #10 and 12, together] Any chance we could work with you? To maybe gain access to areas we wouldn't otherwise get to?
		5	We've collected trash in along trails, helped with weed work. Willing to help in any way.
		6	We brushed out the Beaver Lake trail.
		7	We (ATVers) don't want to be part of the problem; we want to help make motorized trails work.
11	PM	1	I'm in support of this proposal.
		2	I thank the individuals and organizations working to make public acquisition of this parcel possible and available for future generations.
		3	The best use of this area is as a WMA
		4	FWP should minimize motorized activity on the parcel

Com- men- ter #	Via	Para- graph	Comment
12	PM	1	I belong to the local [Seeley Swan] ATV club.
		2	There should be some sort of way to get to a happy medium for wheeled-motorized use versus resources; need to find areas we can use ATVs in.
		3	Some of us are impaired; for instance my ATV is my serious means of transportation.
		4	I've fished the area for years and have donated fish to others (for food).
		5	FWP is doing a hell of a job, but we need a happy medium. Don't take out all the roads.
		6	We want to see some areas open to 50-inch rigs and gates.
13	PM		I endorse the proposal. I'm proud to be involved with Five Valleys Land Trust in this project, and it makes me proud to be a Montanan.
14	PM		We're a cooperator with FWP for this project, and the Board of Directors unanimously supports this acquisition and our helping FWP with it (by being the interim owner/holder of the property until FWP can complete its process).
			It would protect wildlife habitat.
			It's consistent with FVLT's mission.
			And it's consistent with public opportunity in the Seeley Lake area.



1295 Lena Lane
Missoula, MT 59804
June 15, 2012

Region 2 FWP
Attn: Sharon Rose
3201 Spurgin Rd.
Missoula, MT 59804

The Montana Chapter of Backcountry Hunters and Anglers endorses the public acquisition of the Deer Creek 640 acre parcel from Plum Creek Timber Company. We have reviewed the excellent and thorough draft EA that details the resources at risk without such acquisition.

Both the aquatic and terrestrial resources are important to our hunter and angler members. The key location containing about 1.5 miles of Deer Creek will insure integrity of the important stream for genetically pure westslope cutthroat as well as bull trout that inhabit the stream. Without such acquisition the riparian and stream resources would be vulnerable to potential subdivision, deforestation and/or domestic grazing impacts.

The EA notes that currently most of the roads in the parcel are closed to public use. Public ownership should emphasize restoration of roadless values by keeping roads and trails closed to motorized use. Paramount in such decisions should be the well being of wildlife and fish resources as well as traditional non-motorized hunting and fishing opportunities.

Sincerely,

s/greg l munther

Greg L Munther, Chairman
Montana Chapter Backcountry Hunters and Anglers



Clearwater Resource Council

PO Box 1471 • Seeley Lake, MT 59868 • (406) 677-0069
www.crcmt.org

June 15, 2012

To whom it may concern,

The Clearwater Resource Council is a collaborative membership organization located in the Clearwater Valley of Montana and dedicated to community-based natural resource management. Our mission is to initiate and coordinate efforts that will enhance, conserve, and protect the natural ecosystems and rural lifestyle of the Clearwater River region of Montana for present and future generations. We have worked with natural resource agencies and the citizens of the valley to identify key values and ecologically important landscapes to guide land use planning. That work identified most of the lands current comprising the Marshall Creek Wildlife Management Area (WMA) and the proposed addition as among the most important in the Valley.

The proposed addition to the WMA would protect the last remaining unprotected reaches of Deer Creek and thereby consolidate public ownership in a key area for fish and wildlife conservation. Specifically it expands critical linkage areas and habitats for Canada lynx, grizzly bear, bull trout, genetically pure western cutthroat trout, western pearlshell mussel, and a number of other species. This addition will also secure important recreational access to the larger MWA. Deer Creek is a key tributary to Seeley Lake; the source for the community water system as well as an important source for other downstream communities. In our view, the transfer of this section to public ownership will conserve and restore recreational and natural resource benefits that far outweigh other possible uses. We strongly support Alternative A in the Draft EA for the Deer Creek addition to the Marshall Creek WMA.

Sincerely,



Jon Haufler, President

Sharon Rose
Region 2, Montana Fish Wildlife and Parks
3201 Spurgin Rd.
Missoula, MT 59804

June 17, 2012

Re: Deer Creek Addition to Marshall Creek WMA—Draft EA

Dear Ms. Rose:

I am writing to voice strong support for the proposed action acquisition of section 24 as outlined in the Draft EA for addition to the Marshall Creek WMA. I am a fisheries scientist with extensive experience in the Pacific Northwest including western Montana. I currently sit as a scientific advisor for the Northwest Power and Conservation Council and retain emeritus status with the U.S. Forest Service Rocky Mountain Research Station. I have worked on conservation and management issues with bull trout for more than 20 years and have published multiple scientific and technical documents on the species ecology, habitats and conservation. I have lived in Seeley Lake for the last 5 years and have done considerable work in the local community to support fisheries and watershed conservation and restoration, habitat and water quality monitoring and development of new information.

The proposed action adding section 24 to the existing WMA would be a critical step toward securing and restoring one of the most important watershed complexes in the Clearwater and Blackfoot watersheds. From my perspective there are at least three important reasons.

First, Deer Creek continues to support a spawning population of lake migratory bull trout. The lake migratory forms represent a unique life history in the Blackfoot and in the Clark Fork River basin upstream of the Flathead. The diversity of life histories is a key hedge in the conservation of threatened bull trout populations facing increasing threats from climate change and habitat loss. Although the Deer Creek watershed has had extensive disruption associated with the past logging history, active restoration focusing of critical road segments and fish passage can be a particularly effective method of restoring and securing critical watershed processes. Persistence of bull trout in Deer Creek indicates this population is resilient and will respond positively to restoration.

Second, Deer Creek is presently listed as a water quality impaired stream and was identified as a major source of nutrient loading to Seeley Lake in the 1970s. Recent work (Watson 2012) indicates Deer Creek may still be an important source of elevated nutrients linked to past forest conversion and roading. Seeley Lake, which is also a critical rearing habitat for migratory bull trout, a primary water source and a critical aesthetic and economic resource for the local community, is currently mesotrophic and may be near a "tipping point" that could lead to rapid degradation (Watson 2012). Reducing and controlling all potential nutrient sources will be key to long term conservation of all the associated values. Conservation and restoration of water sources and problem roads in Deer Creek will be an important step in that direction.

Finally, the Deer Creek watershed has been identified by a Clearwater Watershed Planning Group (with representatives from the local community, collaborating agencies, NGO and other stakeholders) as a priority for long term restoration. The priorities are associated with aquatic ecological values and the relative feasibility of conserving and restoring a larger watershed and habitat network in the Clearwater River landscape. Work following from the WPG has begun to identify key road segments that may

become priorities for active restoration and new monitoring and research will help resolve the potential benefits throughout the Clearwater Basin. Any work planned for Deer Creek in the future will help leverage, and benefit directly from, the ongoing conservation and restoration initiatives in the larger Clearwater Basin.

Section 24 which encompasses a substantial segment of the main stem Deer Creek migratory corridor and the confluence with Fawn Creek is a key piece in the larger potential WMA. The proposed acquisition will not, in itself, solve the conservation and habitat issues in the Clearwater or even the Deer Creek watersheds, but it is a key step in conservation that will benefit the local community and those that depend on the natural resource values it represents.

Sincerely,

Bruce E. Rieman
P.O. Box 1541
Seeley Lake, MT 59868
brieman@blackfoot.net

Reference available on request:

Watson, V. 2012. Lake water quality, trophic status and potential loading sources for Clearwater lakes. Final Report to the Clearwater Resource Council, Seely Lake, MT, May 2012

FIVE VALLEYS AUDUBON SOCIETY

P.O. BOX 8425

MISSOULA, MT 59807



June 19, 2012

We are writing to support acquisition of the Deer Creek Addition to the Marshall Creek Wildlife Management Area. The wildlife values of this area as described in the Draft Environmental Assessment are certainly significant. Additionally, we would like to stress the importance of the riparian habitat to birds. In Montana approximately 55% of the breeding bird species rely on wetland and riparian habitats and approximately 80% of Montana's bird species utilize these habitats at some point in their life. Yet less than 4% of the State is occupied by wetland and riparian habitats. Because the Deer Creek unit is richly endowed with riparian habitat supporting broadleaf shrubs, cottonwood and aspen vegetation, it is particularly important to native bird species especially migratory neotropical songbirds.

One bird species not mentioned in your CFWCS Tier I list is the Williamson's Sapsucker, a National Audubon Watchlist Species. It would be expected to occur in the Deer Creek Addition and certainly in the Marshall Creek Wildlife Management Area. This species should be recognized as a species of conservation concern that would benefit from the Deer Creek Addition.

Acquiring the Deer Creek property will be a significant conservation achievement that will become increasingly important for wildlife and recreational activities in the years to come.

Sincerely,

Jim Brown

Chair, Habitat Protection and Restoration

